

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

BILLY JOE WILLIS

PLAINTIFF

vs.

No. 1:04CV9-D-D

TUPELO PUBLIC SCHOOL DISTRICT; and
BOBBY SHEFFIELD, in his individual capacity

DEFENDANTS

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

Presently before the court is the Defendants' motion for summary judgment as to the Plaintiff's claims. Upon due consideration, the court finds that the motion should be granted in part and denied in part.

The Plaintiff in this employment action has asserted claims in connection with his termination from employment as a maintenance worker with the Defendant Tupelo Public School District. The Defendants have filed a motion seeking an entry of summary judgment as to the Plaintiff's claims.

In his response to the Defendants' motion, the Plaintiff concedes his claims for race discrimination and for defamation; accordingly, the Plaintiff does not oppose the Defendants' motion for summary judgment as to those claims. As such, the court finds that no genuine issue of material fact exists as to those claims and the Defendants are entitled to judgment as a matter of law.

As for the Plaintiff's remaining claims, the court finds that the Defendants' motion for summary judgment should be denied. The Defendants have failed to show that they are entitled to judgment as a matter of law. In any event, the court has the discretion, which it exercises here, to allow these claims to proceed to trial. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255, 106 S. Ct. 2505, 2513, 91 L. Ed. 2d 202 (1986) ("Neither do we suggest ... that the trial court may not

deny summary judgment in a case where there is reason to believe that the better course would be to proceed to a full trial.”).

THEREFORE, it is hereby ORDERED that the Defendants’ motion for summary judgment (docket entry 32) is GRANTED IN PART and DENIED IN PART. The motion is GRANTED as to the Plaintiff’s claims alleging race discrimination and defamation. The motion is DENIED in all other respects.

SO ORDERED, this the 5th day of August 2005.

/s/ Glen H. Davidson
Chief Judge